

# The Herald and News.

VOL XLIII. NO. 20.

NEWBERRY, S. C. FRIDAY, MARCH 9, 1906.

TWICE A WEEK. \$1.50 A YEAR

## GEO. HASTY GUILTY DECLARED THE JURY

### RECOMMENDATION TO MERCY SAVES HASTY'S NECK.

**Prisoner Broke Down When Sentence Was Given—Trial of Gaffney Ends in his Conviction and Sentence to Life Term in State Prison.**

P. H. Fike in the State.

Gaffney, March 6.—It was a far different and changed George Hasty who sat in the court room this morning after receiving sentence of life imprisonment, and who, after five days of ordeal and trial and strain which come not the way of the ordinary mortal, broke down and wept, and as the Good Book puts it, "would not be comforted."

The jury in the case of Hasty, on trial for slaying Milan Bennett, was given the case at 6:15 p. m. Monday, after Judge Memminger had delivered an exceptionally lucid and impartial charge. After deliberating and failing to agree until about 7 o'clock this morning, the verdict returned was guilty with recommendation to mercy of the court. While no accurate poll could be ascertained, it is understood that the majority of the jurors stood for capital punishment, and acquittal was not an issue. Shortly after 8 o'clock the jury went to the court room and the verdict was announced. The news of the agreement of the jury spread like wildfire. Since the men remained out so long, the prediction was expressed that a mistrial would result.

But the verdict was a triumph of law and order and decency. It vindicated the majesty of the law, and will stand as a warning to those who think that by any means they can ride ship-shod over what is decent and orderly. And in doing so spill human blood and lightly escape. The sentiment here is strongly against the convicted man. The good people of Cherokee county do not want to go on record as upholding or countenancing crime, and their verdict is the best evidence of their opinion.

At 9:30 o'clock court convened. The attorneys for the defendant gave notice of a motion for a new trial, which was overruled.

After a short time Geo. Hasty, handcuffed and accompanied by an officer, walked down the aisle from the main entrance of the court room, in an erect and indifferent manner. On reaching the chancel of the bar, inside of which he was soon to sit, he pleasantly exchanged the greetings of the day with Osborne, of counsel for the defense; who was comfortably seated near a stove. Hasty found his accustomed place inside the bar railing, and became an apparently uninterested and indifferent spectator. Judge Memminger asked if the defendant was ready for sentence of court to be imposed. Mr. H. K. Osborne of Butler & Osborne of counsel for the defense stated that the motion for a new trial would not be argued. It would be left with the court. But an effort would be made for the arrest of judgment under the act of 1905, under which this court is held, and that under this rule any verdict rendered after midnight last Saturday was null and void, and would eliminate the passing of sentence. The court replied that he would be governed by section 27, which he had in view when he carried the case over, and further state that it would be left to the supreme court as arbiter.

When the judge again asked if the prisoner was ready for sentence, the reply was, "Subject to our motion." The court said, "I am going to overrule that motion; are you ready for sentence?" Mr. Osborne replied, "We have no further motion, your honor." The prisoner was then directed to stand up.

Geo. Hasty arose and stood erect with his face squarely facing that of the judge. There was not the slightest quiver or twitch of the muscle or feature to indicate that he was in any way impressed by the solemnity of the occasion. But there sat the judge

in his ermine, there were the officers of the court, about the prisoner were his lawyers and in the rear in the room about 300 people. The scene was dramatic.

Judge Memminger, in addressing the prisoner, said: "You have been tried here on a charge of murder and you have suffered the fearful and horrible ordeal of the last five days in which your life has been hanging in the balance. I have endeavored to give you an absolutely fair and impartial trial. You have been represented by able and earnest counsel; you have had the benefit of a most complete and able defense. I may have erred in the conduct of your case, it is possible, but I do not think so. I have given you my best judgment and best thought in this case. The jury has given you the benefit of the law, which reduces the punishment for murder from hanging to imprisonment for life. The court has no discretion in the matter. Have you anything to say why sentence should not be pronounced on you?"

The prisoner replied through counsel and said, "Nothing but what has been stated."

Then the usual sentence for life imprisonment was pronounced.

Court adjourned immediately and before the prisoner arose from his seat, Rev. Ernest Ross, a young Baptist minister, came to where he sat, placed his arms about him and Geo. Hasty burst into a flood of tears, the first emotion he has displayed during the trial. John Kitchings, a young barber, also came up and the three men wept together in grief and sympathy.

The prisoner sat in the court room about an hour after the sentence, talking to Mr. Kitchings. The two wept all the time. When he departed for the jail at 11:20 o'clock he had resumed his accustomed stoical bearing but his eyes were red and his face clearly showed the powerful emotion that had shaken him.

The case will be taken to the supreme court by counsel for Hasty.

### The Ground For Appeal.

Section 27, to which Judge Memminger referred, is as follows: "Should the business before the court of general sessions at any term not be completed on the arrival of the day fixed by law for the holding of the court of common pleas for said county, the judge presiding may, in his discretion, adjourn said court of common pleas until the business of the court of general sessions shall have been concluded. But the provisions of this act shall not apply to the courts held in the county of Newberry."

In the case of McKellar vs. Parker, 29 S. C., 237; 7 S. E. 295, it is held that, "It is necessary to such adjournment that the court of common pleas should be opened on the day fixed for its holding."

In Hardin vs. Trimmer, 30 S. C., 391; 9 S. E. 342: "But where the officers and machinery are present in court house on the fixed day, that court is then opened by operation of law, without any formality."

### ILLUSTRATED BY A STORY.

**What the President Thought of Tillman in Charge of the Rate Bill.**

New York Sun.

Washington, March 4.—A Senator who called on President Roosevelt soon after the senate committee on Inter-State commerce placed Senator Tillman, of South Carolina, in charge of the Hepburn railroad rate bill, was asked what he thought of the action of the committee.

"I can best illustrate my impression by a story," said the president. "This incident took place in a household when the mother-in-law joke had ceased to be a merry jest. The wife had just received a letter notifying her of a forthcoming visit from her mother. She was very much disturbed and was afraid to break the news to the head of the family. So she deputized a younger son to do so. When the child returned, she said:

"Did you tell father?"  
"I did," was the reply.  
"Did he swear?"  
"No, mamma, he did not; but I never saw such a peculiar smile on his face in all my life."

### THE NEWS OF PROSPERITY.

**Cotton Association—"Yube" Still Happy and Serene—Mail Train—Personal and Otherwise.**

Prosperity, March 8.—Mr. J. C. H. Rauch, of Saluda, was in town on Saturday.

The citizens met in the city hall on Tuesday and organized by electing Dr. G. Y. Hunter, chairman and W. T. Gibson, secretary and treasurer. Dr. Hunter explained the object of the meeting and all present "joined." The secretary was instructed to push the signing of the roll. The 10 cents per bale assessment was presented and it was understood that this will be the amount to be paid by all members.

Rev. P. B. Mitchell will preach in the Baptist church on Sunday, March 11, at 3:30 p. m.

Say, Chips, did you read that bill of expenses that the legislature has dished out to the dear people.

\$2,000 for the Confederate Home school. Now my dear Chips, will you please tell us something about this school. Who is it for and where is it located? No dodging old boy, but tell us about it. We want to know.

Mrs. J. W. Hartman has gone to the Columbia hospital for an operation which was successfully performed last Saturday. Mrs. Hartman is doing nicely at this writing.

Again Hymen has been at his pranks and two young hearts have been laid on his altar. Mr. J. H. Turner of Newberry and Miss Mattie Connelly of lower No. 9 were married on Sunday, March 4. Rev. H. W. Whitaker officiating.

On Monday Mr. Press Hawkins, of St. Luke's, was driving a pair of young mules. They became unmanageable and started to run. Mr. Hawkins was thrown from the wagon and became entangled in the lines in falling and was dragged about 50 yards before he was able to disentangle himself. He was painfully, but we learn, not seriously hurt. He was taken to the home of Mr. J. W. Boozer. It was a narrow escape and he was fortunate in getting loose.

Your correspondent is requested by Capt. J. L. Hunter to announce that the cotton growers' association of O'Neill school district will meet at the school building Saturday, March 17, at 2 o'clock to organize and transact any other business that may come before it.

Mr. S. H. Cannon, of Columbia, was in town Monday returning to the capital on Tuesday.

We are pleased to see our genial cotton weigher Mr. W. T. Gibson able to be on the streets again.

We note that an effort is being made to get the morning train on the C. N. & L. a mail train. Really we feel that something should be done that will cause this train to make its schedule better. We have known it to take three hours or more to snail into Columbia. By all means make it a mail train and let it start from Greenville at 7 getting to Columbia by 11 o'clock. This would be an ideal schedule.

Rev. Mr. Sox, of Piney Woods, was in town on business on Monday.

Miss Marie Bobb and little Miss Dorris Kohn have gone on a visit to Capt. U. B. Whites in Atlanta.

We learn from Mr. L. C. Boland that Capt. Whites is doing nicely. He used to write for The Herald and News as Yube. He is still happy and serene.

Dr. C. C. Traylor, pharmacist for the Prosperity Drug company, has resigned his position and will go to Atlanta, Friday where he will engage in the drug business.

There has been granted a special dispensation to the Woodmen of the World and anyone desiring to join this fraternal, benevolent order should look into the good features of the order and take the insurance protection offered. Call on Clerk Dominick and get particulars. It may be means of enabling you to protect your loved ones in case of death.

Prof. C. H. Kicklighter, of the Technical Department of Newberry college, spent Saturday and Sunday with Mr. Carlisle Bedenbaugh.

Mr. G. M. Eleazer, of Newberry

college, spent a couple of days with student Geo. Harmon.

Mrs. J. H. Werts is visiting her parents this week.

Capt. W. R. Elmore is visiting his daughter, Mrs. E. B. Kibler.

The Sorosis will meet Friday afternoon with Mrs. Kreps. The subject study is Robert Southey. Lecture—Miss Lula Moseley. Recitation—"My Books"—Miss Blanche Kibler.

Mr. and Mrs. L. C. Boland are visiting in town. Mr. Boland is the genial and wholesome representative of Harry Schlessinger and formerly lived in our town and at one time had the Langshan fever so bad that no one thought he would survive, but he did. Say, Dock you ought to see our Buff Plymouth Rocks. Oh, but they are golden beauties and such layers.

Mr. Berry Hartman, Miss Alma Hartman and Mrs. Joe Hartman have gone to Columbia to visit their mother who is in the hospital.

Mr. E. T. Mayer having sold the old home place is building him a new home on the place he recently purchased.

Miss Lula Moseley has returned from a visit to Clinton.

The primary election for town officers will be held on the 26th of March. Messrs. E. W. Werts, E. B. Kibler and J. B. Fellers are the managers. Messrs. A. H. Hawkins, T. A. Dominick and E. N. Kibler were elected as an executive committee.

Mr. O. B. Simpson spent Sunday in our suburban town, Newberry.

Mrs. Mary Raylis, of Lexington county, will visit her niece, Mrs. J. A. Simpson this week.

Mrs. Carrie Leaphart after a few days spent at her old home has returned to Columbia.

Mr. W. F. Bedenbaugh will be with the Prosperity Drug company. Mr. Bedenbaugh will finish up this term at the pharmaceutical college in Atlanta in a few days.

The town with a future is the town that helps itself. In this day of sharp competition and intense public enterprise, the town that waits for something to turn up is going to get turned down.—Newberry Observer.

We were very much impressed by the above and want to pass it on hoping it will do some good. In this connection we would again urge the formation of a business league for the town.

We recall that years ago there was such an organization and of a certain trip a committee made to Charleston. The committee from Prosperity was joined by one from Newberry. We visited the good offices of Capt. Wagner and well do we remember the laconic suggestion made by Captain Wagner to Col. Pickens, General Freight Agent of the South Carolina Railway. Ask W. A. Moseley or Mr. C. E. Summer if you want to know how he suggested to get the same rate on cotton as Whitmire had. Yes, let us try again and see what we can do this time.

We just heard today of another party who desired to come to town, but could get no house.

Mr. M. C. Morris, traveling salesman for King's Hardware company, and Miss Frances Rawls, assistant teacher in the graded school here, were married at the Methodist parsonage Wednesday evening, Rev. Whitaker officiating.

More bills than blessings come with a large family of children.

A man has as much chance of not getting married as a fox of not getting captured by a pack of hounds in a walled-in field.

### NOTICE OF FINAL SETTLEMENT AND DISCHARGE.

Notice is hereby given that the undersigned will, on the twelfth day of April, 1906, make a final settlement on the estate of John J. Mayer, deceased, and will immediately thereafter apply to the Judge of Probate for letters dismisyory as administrator of said estate. All parties having claims against the said estate will present same on or before that date and all parties due the said estate will make prompt payment.

John M. Suber,  
Administrator.

## PEGRAM DARGAN NOT TO BE TRIED

### DARLINGTON GRAND JURY HAS RETURNED "NO BILL."

**Solicitor Stated the Law—Dargan Had Been Presented by Former Grand Jury as Accessory to His Brother's Suicide.**

The State.

Darlington, March 6.—The grand jury in making out bills today, found "no bill" against Pegram Dargan, who had been presented by grand jury last fall for aiding and abetting his brother, Keith Dargan, in taking his life, on the 11th day of July last. The grand jury spent considerable time today looking into this case. Three witnesses, Dr. G. B. Edwards, Mr. J. K. Doile, the barber, and Coroner J. N. Clanton, appeared before the grand jury but there was not sufficient evidence adduced to incriminate Pegram Dargan for murder.

There has been no little surmising as to the outcome of this case and many have been the questions asked as to what disposition the grand jury would make of it. The jury frankly stated that acting on the facts in the case shown by the testimony they could not bring in a true bill against Mr. Dargan. There may have been ground for strong suspicion but they were sworn to abide by the testimony.

In handing the bills to the grand jury today, Solicitor Johnson spoke as follows with reference to that of Pegram Dargan:

"I have here the indictment against Pegram Dargan and I would like to state, may it please your honor, that it has given me a great deal of trouble, otherwise than as to the family. It was the presentment by a former grand jury. I would not have so much trouble if there had been a prosecution, as is usual in a homicide case. It was presented last year when there was a great deal of excitement in the community over a rather notorious matter. Your honor will excuse me for saying what I am about to say, because the situation is rather delicate. There was even a great doubt as to whether there was a homicide committed at all or not, there was a good deal of indignation on that question."

"I understand since then that that question has been set at rest by the inspection of the grave with the consent of the family."

"Your honor will not misunderstand if I wish to have made a pretty thorough investigation of this case. I will state why, while ordinarily it is better for the defendant to be tried whether he is guilty or not, tried for his own vindication where there is an active prosecution, yet there are sometimes other circumstances which enter into it which have to be considered, which ought to be considered, and inasmuch as this case emanated from the grand jury I do not feel authorized to take any responsibility myself but feel that the responsibility rests upon this grand jury to decide whether public justice demands a public trial or not."

"It is for them to decide that question and it is in better hands, in the hands of the grand jury, than it would be in mine. I stand ready to take that course which would best subserve public justice. A peculiarity about the case is this: It is a charge of murder by being present, aiding and abetting R. K. Dargan to commit suicide. I found under the common law there could be no accessory to suicide, because fellow de se could not be tried. That has been changed by statute and an accessory before the fact can be tried whether the principal is amenable to justice or not. But this is not a charge of being present, aiding and abetting, which makes one charging this defendant as principal. I charge him, technically, as the grand jury do, of being present, aiding and abetting, which makes him a principal. I have followed the natural language of the statute and have made the charge but the punishment is the same—it is a charge of murder."

"The indictment is peculiar—there

is but one count in it.

"I have to recite whether it be true or not, I have to recite the fact that the principal murdered himself and that he did it with malice aforethought. I first set out as though he was on trial, and state the facts that he is now deceased, that he died by his own hand and that the defendant was present, aiding and abetting, making that one count, and I conclude against the form of the statute and against the peace and dignity of the state."

"I apologize for saying so much, but I worried over it nearly all night."

To this Judge Gage replied in substance as follows:

### The Court's Charge.

"The next bill is against Pegram Dargan and the solicitor states to you the bill is not handed you in the usual way but on the presentment of the grand jury. The solicitor has made bold to say how he felt about it. As I told you yesterday, you are amenable to no one, you are to do your duty: you pursue your investigation guided by your conscience and no one will have the right to criticise you unjustly. The solicitor has stated in your hearing that he desires a thorough investigation into all the facts and circumstances of this case, also as to whether or not the defendant and the deceased were in such a mental condition as to be capable under the circumstances of committing a crime."

"I know of no better rule for conduct than that laid down by the Divine Master when he said, 'Do unto others as you would have them do unto you.'"

"Follow that rule and I am sure you cannot go amiss."

This case has excited no little interest in Darlington, it being the common topic of conversation here today. It is the consensus of opinion, however, that the grand jury have performed their duty faithfully and fearlessly and that they have made the proper disposition of the case. The family of Robert Keith Dargan have been made to suffer untold heartaches by his sad end and the trial of Pegram, his brother, would have only added to the almost insufferable sorrow of his aged parents. The public seems disposed not to add to this by airing a case which would not have ended in anything but an acquittal.

Pegram Dargan is now at Almond, N. C., and it is stated that he will return to Darlington. This probably ends one of the most unusual cases in the history of the state.

### Wreck Near Columbia.

Columbia, March 6.—Passenger Train Number 9, leaving here at 7:10 this morning for Asheville, was derailed a mile west of Frost Station, seven and one-half miles out of the city, at 7:45 this morning by a broken rail, thought to be due to expansion and contraction incident to sudden change in the temperature.

It is wonderful that the accident did not result more seriously. A section of from four to six feet of straight track was in some way broken out of the track.

Two coaches left the tracks and were more or less broken, though they were not splintered, and can be easily repaired. The engine, which was in charge of Engineer Means, did not leave the track and none of the crew was injured. Conductor Koontz was in charge of the train. Six passengers were injured, but only slightly.

The injured are: S. L. Seatrunk, Columbia, cut on wrist; W. S. McCreary, Asheville, left ear cut; H. P. Seigler, Batesburg, back, right side and right shoulder bruised; R. M. Parrott, of Parrott & Bailey, Columbia, contusion of right knee; W. M. Aikman, Brooklyn, N. Y., head cut and right arm and right shoulder bruised; D. E. Mann, Fairfield, right arm and right leg bruised.

The express car and first two coaches left the tracks and were turned over. The second-class passenger coach was the only one turned entirely on its side. The Pullman left the track but did not capsize. Division Surgeon F. D. Kendall attended the injured. Some of the passengers were brought back to Columbia.